The Office Action, on page 2, sets forth a requirement for restriction to one of the following groups under 35 U.S.C. §121:

Group I: Claims 1-7, drawn to peptides of formula I, classified, for example, in class 930, subclass 20+.

Group II: Claim 8, drawn to therapeutic use of peptides of formula I, classified in class 514, subclass 2+.

Group III: Claim 9, drawn to a method of making peptides of formula I, classified in class 530, subclass 330+.

Applicants are required to elect one of the above groups for prosecution on the merits. Applicants respectfully traverse the requirements for restriction and election, and submit that the requirements are improper.

First, Applicants assert that the subject matter of these groups represent different embodiments of a single inventive concept for which a single patent should issue. The pending claims represent an intricate web of knowledge, continuity of effort, and consequences of a single invention, which merit examination of all of these claims in a single application. More particularly, all the claims are linked by a single, searchable, unifying aspect; *i.e.*, the peptides of Formula I. Moreover, the patent statutes require that an applicant disclose in the application how to make and use the claimed invention. Accordingly, it is only reasonable that applicant should be able to prosecute the claims of Groups II (methods of therapeutic use of the claimed peptides) and III (methods of preparing the claimed peptides) with Group I (claimed peptides).

Second, Applicants submit that a sufficient search and examination with respect to the subject matter of all claims can be made without serious burden. As the M.P.E.P. states:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (7th ed., Rel. 78A, March 1999).

That is, even if the above-enumerated groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all the claims will have substantial overlap, and no serious burden will result from searching and examining all claims in the same application. This is especially true given the data bases and power search engines at the Examiner's disposal for such searches.

Therefore, in the interest of savings of time and cost to Applicants and the Patent Office, Applicants respectfully request that all the claims be searched and examined in a single application and that Groups I, II, and III be rejoined into a single group.

Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, Group I, claims 1-7, drawn to peptides of formula I. As the single, disclosed species, Applicants further elect the compound of Example 2:

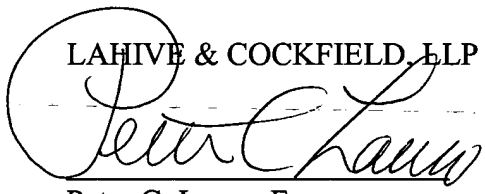
Me_2Val-Val-MeVal-Pro-Pro-$NHC(CH_3)_3$

This compound is disclosed in the instant application at least, for example, at page 17, line 2, as originally filed. Newly added claim 10 recites the elected species.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



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